

## MEMORANDUM

To: Parties to PSB Docket No. 7466 (EEU Structure)

From: Susan M. Hudson, Clerk of the Board

Re: EEU Structure Schedule - Comments on Bifurcation Due June 15; Direct Prefiled Testimony Due June 26; Rebuttal Prefiled Testimony Due July 10

Date: June 9, 2009

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On June 3, 2009, the Public Service Board ("Board") issued a memorandum in this docket providing the parties with direction on their prefiled testimony and making changes to the schedule with regard to the Technical Hearings. The memorandum also reminded parties that the May 8 scheduling order provided parties with the opportunity to file requests for amendments to the schedule by June 5, 2009.

On June 4, 2009, International Business Machines Corporation ("IBM") filed a request that the proceeding be bifurcated, with the first phase focusing on the Energy Efficiency Utility ("EEU") structure (contract versus appointment).<sup>1</sup> IBM believes that this threshold question should be resolved before parties address the specifics of the selected EEU structure and requests that the Board give immediate attention to this matter so that the parties can sufficiently address the relevant issues in their Direct Testimony.

On June 5, 2009, the Group of Municipal Electric Utilities ("GMEU") filed a request that the deadlines for filing Direct and Rebuttal Testimony (currently set at June 12, 2009 and June 26, 2009, respectively) be modified by adding one week to each. On June 5, 2009, the Department of Public Service, Central Vermont Public Service Corporation, and Conservation Law Foundation separately filed comments supporting GMEU's proposed schedule modifications. On June 8, 2009, the City of Burlington Electric Department filed comments supporting GMEU's proposed schedule modifications.

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<sup>1</sup> The issue of bifurcation of the schedule was discussed in the October 10, 2008, prehearing conference and scheduling order and the January 29, 2009, scheduling order.

Any party that wishes to file comments on the proposal for the proceeding to be bifurcated, with the first phase focusing on the issue of whether a change in the EEU structure is warranted, should do so by Monday, June 15, 2009.

Given the deadline for comments on the bifurcation of the schedule and some parties' request for additional time to file prefiled testimony, the Board is changing the deadlines for Direct and Rebuttal Testimony to June 26, 2009, and July 10, 2009, respectively. The Board will decide on any further changes to the schedule after the June 12th filing date.